

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

AT CHRISTCHURCH

ENV-2018-CHC-29, 37, 39, 40, 47, 50

IN THE MATTER

of the Resource Management Act 1991

AND

of an appeal under clause 14 of the First Schedule
of the Act

BETWEEN

Aratiatia Livestock Limited

(ENV-2016-CHC-29)

Appellant

[Continued on next page]

AND

Southland Regional Council

Respondent

**MEMORANDUM OF COUNSEL FOR THE DIRECTOR-GENERAL OF
CONSERVATION**

Dated 27 March 2019

Department of Conservation
Planning, Permissions and Land
RMA Shared Services
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Christchurch 8140
Phone: 03 371 3700
Solicitor: Pene Williams
Counsel acting. Dean van Mierlo

BETWEEN

Wilkins Farming Co. Limited

Appellant

(ENV-2016-CHC-30)

Southland Fish and Game Council

(ENV-2016-CHC-37)

Meridian Energy Limited

(ENV-2016-CHC-38)

Alliance Group Limited

(ENV-2016-CHC-39)

Federated Farmers of New Zealand

(ENV-2016-CHC-40)

**Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga
o Awarua, Te Rūnanga o Oraka Aparima, and Te
Rūnanga o Ngāi Tahu (collectively Ngā
Rūnanga)**

(ENV-2016-CHC-47)

**Royal Forest and Bird Protection Society of New
Zealand Inc.**

(ENV-2016-CHC-50)

Appellants

MAY IT PLEASE THE COURT

1. In accordance with the Court's directions, a statement of planning evidence of Linda Kirk was filed on behalf of the Director-General of Conservation as a s 274 party in opposition, on 22 March 2019.
2. Since filing that statement of evidence, an omission has come to Counsels' attention, which needs to be corrected so as to avoid any possible confusion.
3. Appendix 3 of Ms Kirk's 22 March statement of evidence is headed "Summary of Consolidated Recommended Amendments Across Kirk's Three Statements of Evidence in Chief". Appendix 3 is intended to consolidate in one location, for the Court and parties' reference, all recommended amendments proposed by Ms Kirk, in her three statements of evidence filed in relation to Topic A, on 15 February, 1 March and 22 March 2019.
4. Appendix 3 of the 22 March statement includes Objective 9B, and Objective 10, and the Physiographic Zone Policies 4 – 12, all of which are discussed in the 22 March evidence statement. However, the Appendix omitted to include a number of other Objectives and Policies discussed in Ms Kirk's earlier evidence, and in respect of which recommended changes are proposed in that earlier evidence. In particular, these are: Objectives 6, 7, 9 and 9A, 13, 13A and 13B, 14, 17, 18, and Policies 45, 46 and 47.
5. In order to address any possible confusion, Counsel seek leave to replace the statement of evidence of Linda Elizabeth Kirk for the Director General of Conservation as s 274 Party in opposition dated 22 March 2019, with the Statement attached to this memorandum dated 27 March.
6. Counsel confirm that the only change made to the 22 March statement has been to update Appendix 3, so that it now consolidates all Ms Kirk's recommended amendments to Topic A objectives and policies across the three statements of planning evidence in chief filed to date on behalf of the Director General of Conservation.



D van Mierlo / P Williams
Counsel for Director-General of Conservation

27/3/19